

**REMARKS:**

In the office action dated April 27, 2004, the Examiner rejected Claims 1-26 of the present application under 35 U.S.C. 103(a) as unpatentable in view of EP 457589. It is respectfully submitted that through the cancellation and withdrawal of Claims 1-14 and Claims 19-26, together with the explanations presented herein regarding Claims 15-18, the present application is now in condition for allowance. For at least these reasons, it is respectfully requested that the Examiner withdraw the rejections of the presently claimed application and find the application in condition for allowance.

While the Examiner presents arguments regarding the obviousness of the present invention in view of EP 457589, the claims as presently amended are directed toward novel methods for reducing the amounts of discoloration and sedimentation of diesel fuel, that are neither disclosed nor suggested by the reference. Further, the claims of EP 457589 are directed toward uses for a combustion improver having a sulfur content below 500 ppm (or less), or claims wherein NO<sub>x</sub>, CO, and/or hydrocarbon emissions are reduced. No consideration is made in EP 457589 regarding a composition or method for reducing the amounts of discoloration or sedimentation in diesel fuels comprising a nitrate-based cetane improver.

As provided in the specification of the present application, it is known in the art that nitrate-based cetane improvers, while reducing undesirable emissions, may contribute to diesel fuel discoloration and sedimentation when used in combination with certain heteroaromatic compounds. (See, Present Application, p. 2, lines 13-16) The present invention reveals that the presence of particular heteroaromatic compounds in conjunction with a nitrate-based cetane improver correlates to instability at high temperatures, leading to discoloration and sedimentation. Thus, the methods of the presently claimed invention overcome the problems of discoloration and sedimentation found in prior art formulations using nitrate-based cetane improvers—even those utilizing low-sulfur, low-nitrogen fuel compositions. (See, Present Application, p. 3, lines 9-13)

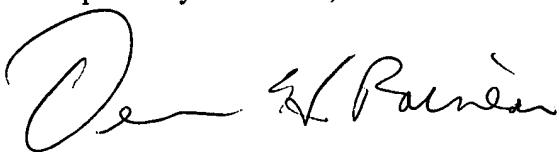
It is respectfully submitted that, for at least these reasons, the method claims 15-18 for reducing discoloration and sedimentation presented herein are not obvious in view of EP 457589. It is respectfully requested that the Examiner thereby find the presently claimed application in condition for allowance.

**RESPONSE TO FINAL  
Application No. 10/020,411  
Attorney Docket No. EP-7535**

**Fees**

Please charge my Deposit Account No. 05-1372 in the amount of \$420.00 for a two-month extension of time. It is believed that there are no other fees associated with this filing. However, in the event the calculations are incorrect, the Commissioner is hereby authorized to charge any deficiencies in fees or credit any overpayment associated with this communication to Deposit Account No. 05-1372.

Respectfully submitted,



Dennis H. Rainear, Reg. No. 32,486

330 South Fourth Street  
Richmond, VA 23119  
Phone: (804) 788-5516  
Fax: (804) 788-5519  
Email: [Dennis.Rainear@NewMarket.com](mailto:Dennis.Rainear@NewMarket.com)

Date: **September 24, 2004**